

SECOND REGULAR SESSION

HOUSE BILL NO. 1726

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HIGDON.

5802H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 50.333 and 57.280, RSMo, and to enact in lieu thereof two new sections relating to sheriff salary compensation.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 50.333 and 57.280, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 50.333 and 57.280, to read as follows:

50.333. 1. There shall be a salary commission in every nonchartered county.

2. The clerk or court administrator of the circuit court of the judicial circuit in which such county is located shall set a date, time and place for the salary commission meeting and serve as temporary chairman of the salary commission until the members of the commission elect a chairman from their number. Upon written request of a majority of the salary commission members the clerk or court administrator of the circuit court shall forthwith set the earliest date possible for a meeting of the salary commission. The circuit clerk or court administrator shall give notice of the time and place of any meeting of the salary commission. Such notice shall be published in a newspaper of general circulation in such county at least five days prior to such meeting. Such notice shall contain a general description of the business to be discussed at such meeting.

3. The members of the salary commission shall be:

(1) The recorder of deeds if the recorder's office is separate from that of the circuit clerk;

(2) The county clerk;

(3) The prosecuting attorney;

(4) The sheriff;

(5) The county commissioners;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 (6) The collector or treasurer ex officio collector;
- 19 (7) The treasurer or treasurer ex officio collector;
- 20 (8) The assessor;
- 21 (9) The auditor;
- 22 (10) The public administrator; and
- 23 (11) The coroner.

24 Members of the salary commission shall receive no additional compensation for their services
25 as members of the salary commission. A majority of members shall constitute a quorum.

26 4. Notwithstanding the provisions of sections 610.021 and 610.022, all meetings of a
27 county salary commission shall be open meetings and all votes taken at such meetings shall be
28 open records. Any vote taken at any meeting of the salary commission shall be taken by recorded
29 yeas and nays.

30 5. In every county, the salary commission shall meet at least once before November
31 thirtieth of each odd-numbered year. The salary commission may meet as many times as it
32 deems necessary and may meet after November thirtieth and prior to December fifteenth of any
33 odd-numbered year if the commission has met at least once prior to November thirtieth of that
34 year. At any meeting of the salary commission, the members shall elect a chairman from their
35 number. The county clerk shall present a report on the financial condition of the county to the
36 commission once the chairman is elected, and shall keep the minutes of the meeting.

37 6. For purposes of this section, the 1988 base compensation is the compensation paid on
38 September 1, 1987, plus the same percentage increase paid or allowed, whichever is greater, to
39 the presiding commissioner or the sheriff, whichever is greater, of that county for the year
40 beginning January 1, 1988. Such increase shall be expressed as a percentage of the difference
41 between the maximum allowable compensation and the compensation paid on September 1,
42 1987. At its meeting in 1987 and at any meeting held in 1988, the salary commission shall
43 determine the compensation to be paid to every county officer holding office on January 1, 1988.
44 The salary commission shall establish the compensation for each office at an amount not greater
45 than that set by law as the maximum compensation. If the salary commission votes to increase
46 compensation, but not to pay the maximum amount authorized by law for any officer or office,
47 then the increase in compensation shall be the same percentage increase for all officers and
48 offices and shall be expressed as a percentage of the difference between the maximum allowable
49 compensation and the compensation being received at the time of the vote. If two-thirds of the
50 members of the salary commission vote to decrease the compensation being received at the time
51 of the vote below that compensation, all officers shall receive the same percentage decrease. The
52 commission may vote not to increase or decrease the compensation and that compensation shall
53 continue to be the salary of such offices and officers during the subsequent term of office.

54 7. For the year 1989 and every second year thereafter, the salary commission shall meet
55 in every county as many times as it deems necessary on or prior to November thirtieth of any
56 such year for the purpose of determining the amount of compensation to be paid to county
57 officials. For each year in which the commission meets, the members shall elect a chairman
58 from their number. The county clerk shall present a report on the financial condition of the
59 county to the commission once the chairman is elected, and shall keep minutes of the meeting.
60 The salary commission shall then consider the compensation to be paid for the next term of
61 office for each county officer to be elected at their next general election. **Sheriff compensation**
62 **shall increase fifteen percent on September 1, 2014, ten percent per annum on January 1,**
63 **2015, and five percent per annum on January 1 of each subsequent year, to be paid for the**
64 **funding under subsection 3 of section 57.280.** If the commission votes not to increase or
65 decrease the compensation, the salary being paid during the term in which the vote was taken
66 shall continue as the salary of such offices and officers during the subsequent term of office,
67 **except for the office of sheriff as provided under this subsection.** If the salary commission
68 votes to increase the compensation, all officers or offices whose compensation is being
69 considered by the commission at that time shall receive the same percentage of the maximum
70 allowable compensation. However, for any county in which all offices' and officers' salaries have
71 been set at one hundred percent of the maximum allowable compensation, the commission may
72 vote to increase the compensation of all offices except that of full-time prosecuting attorneys at
73 that or any subsequent meeting of the salary commission without regard to any law or maximum
74 limitation established by law. Such increase shall be expressed as a percentage of the
75 compensation being paid during the term of office when the vote is taken, and each officer or
76 office whose compensation is being established by the salary commission at that time shall
77 receive the same percentage increase over the compensation being paid for that office during the
78 term when the vote is taken. This increase shall be in addition to any increase mandated by an
79 official's salary schedule because of changes in assessed valuation during the current term. If the
80 salary commission votes to decrease the compensation, a vote of two-thirds or more of all the
81 members of the salary commission shall be required before the salary or other compensation of
82 any county office shall be decreased below the compensation being paid for the particular office
83 on the date the salary commission votes, and all officers and offices shall receive the same
84 percentage decrease.

85 8. The salary commission shall issue, not later than December fifteenth of any year in
86 which it meets, a report of compensation to be paid to each officer and the compensation so set
87 shall be paid beginning with the start of the subsequent term of office of each officer. The report
88 of compensation shall be certified to the clerk of the county commission for the county and shall
89 be in substantially the following form:

90 The salary commission for County hereby certifies that it has met pursuant to law
91 to establish compensation for county officers to be paid to such officers during the next term of
92 office for the officers affected. The salary commission reports that there shall be (no increase
93 in compensation) (an increase of percent) (a decrease of percent) (county officer's
94 salaries set at percent of the maximum allowable compensation).

95 Salaries shall be adjusted each year on the official's year of incumbency for any change
96 in the last completed assessment that would affect the maximum allowable compensation for that
97 office.

98 **Sheriff compensation shall increase fifteen percent on September 1, 2014, ten**
99 **percent per annum on January 1, 2015, and five percent per annum on January 1 of each**
100 **subsequent year, to be paid for the funding under subsection 3 of section 57.280.**

101 9. For the meeting in 1989 and every meeting thereafter, in the event a salary
102 commission in any county fails, neglects or refuses to meet as provided in this section, or in the
103 event a majority of the salary commission is unable to reach an agreement and so reports or fails
104 to certify a salary report to the clerk of the county commission by December fifteenth of any year
105 in which a report is required to be certified by this section, then the compensation being paid to
106 each affected office or officer on such date shall continue to be the compensation paid to the
107 affected office or officer during the succeeding term of office, **except for the office of sheriff**
108 **as provided under subsection 7 of this section.**

109 10. Other provisions of law notwithstanding, in every instance where an officer or
110 employee of any county is paid a mileage allowance or reimbursement, the county commission
111 shall allow or reimburse such officers or employees out of the county treasury at the highest rate
112 paid to any county officer for each mile actually and necessarily traveled in the performance of
113 their official duties. The county commission of any county may elect to pay a mileage allowance
114 for any county commissioner for travel going to and returning from the place of holding
115 commission meetings and for all other necessary travel on official county business in the
116 personal motor vehicle of the commissioner presenting the claim. The governing body of any
117 county of the first classification not having a charter form of government may provide by order
118 for the payment of mileage expenses of elected and appointed county officials by payment of a
119 certain amount monthly which would reflect the average monthly mileage expenses of such
120 officer based on the amount allowed pursuant to state law for the payment of mileage for state
121 employees. Any order entered for such purpose shall not be construed as salary, wages or other
122 compensation for services rendered.

123 11. The term "maximum allowable compensation" as used in this section means the
124 highest compensation which may be paid to the specified officer or office in the particular county
125 based on the salary schedule established by law for the specified officer or office. If the salary

126 commission at its meeting in 1987 voted for one hundred percent of the maximum allowable
127 compensation and does not change such vote at its meeting held within thirty days after May 13,
128 1988, as provided in subsection 6 of this section, the one hundred percent shall be calculated on
129 the basis of the total allowable compensation permitted after May 13, 1988.

130 12. At the salary commission meeting which establishes the percentage rate to be applied
131 to county officers during the next term of office, the salary commission may authorize the further
132 adjustment of such officers' compensation as a cost-of-living component and effective January
133 first of each year, the compensation for county officers may be adjusted by the county
134 commission, and if the adjustment of compensation is authorized, the percentage increase shall
135 be the same for all county officers, not to exceed the percentage increase given to the other
136 county employees. The compensation for all county officers may be set as a group, although the
137 change in compensation will not become effective until the next term of office for each officer.

138 13. At the salary commission meeting in 1997 which establishes the salaries for those
139 officers to be elected at the general election in 1998, the salary commission of each noncharter
140 county may provide salary increases for associate county commissioners elected in 1996. This
141 one-time increase is necessitated by the change from two- to four-year terms for associate
142 commissioners pursuant to house bill 256, passed by the first regular session of the eighty-eighth
143 general assembly in 1995.

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order
2 of court, in connection with any civil case, and making on the same either a return indicating
3 service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be
4 served, except that a sheriff shall receive a charge for service of any subpoena, and making a
5 return on the same, the sum of ten dollars; however, no such charge shall be collected in any
6 proceeding when court costs are to be paid by the state, county or municipality. In addition to
7 such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any
8 summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue
9 Service for all allowable expenses for motor vehicle use expressed as an amount per mile,
10 provided that such mileage shall not be charged for more than one subpoena or summons or
11 other writ served in the same cause on the same trip. All of such charges shall be received by
12 the sheriff who is requested to perform the service. Except as otherwise provided by law, all
13 charges made pursuant to this section shall be collected by the court clerk as court costs and are
14 payable prior to the time the service is rendered; provided that if the amount of such charge
15 cannot be readily determined, then the sheriff shall receive a deposit based upon the likely
16 amount of such charge, and the balance of such charge shall be payable immediately upon
17 ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service
18 in any action or proceeding, other than when court costs are waived as provided by law, until the

19 charge provided by this section is paid. Failure to receive the charge shall not affect the validity
20 of the service.

21 2. The sheriff shall receive for receiving and paying moneys on execution or other
22 process, where lands or goods have been levied and advertised and sold, five percent on five
23 hundred dollars and four percent on all sums above five hundred dollars, and half of these sums,
24 when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall
25 not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney.
26 The party at whose application any writ, execution, subpoena or other process has issued from
27 the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and
28 support of any property to be seized pursuant to legal process before such seizure. The sheriff
29 shall be allowed for each mile, going and returning from the courthouse of the county in which
30 he resides to the place where the court is held, the rate prescribed by the Internal Revenue
31 Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The
32 provisions of this subsection shall not apply to garnishment proceeds.

33 3. The sheriff upon the receipt of the charge herein provided for shall pay into the
34 treasury of the county any and all charges received pursuant to the provisions of this section. The
35 funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year,
36 shall be held in a fund established by the county treasurer, which may be expended at the
37 discretion of the sheriff for the furtherance of the sheriff's set duties **provided, however, the**
38 **balance thereof first be encumbered and dedicated in sufficient amounts to comply with**
39 **the provisions of subsection 7 of section 50.333.** Any such funds in excess of fifty thousand
40 dollars in any calendar year shall be placed to the credit of the general revenue fund of the
41 county. Moneys in the fund shall be used only for the procurement of services and equipment
42 to support the operation of the sheriff's office. Moneys in the fund established pursuant to this
43 subsection shall not lapse to the county general revenue fund at the end of any county budget or
44 fiscal year.

45 4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the
46 sheriff shall receive ten dollars for service of any summons, writ, subpoena, or other order of the
47 court included under subsection 1 of this section, in addition to the charge for such service that
48 each sheriff receives under subsection 1 of this section. The money received by the sheriff under
49 this subsection shall be paid into the county treasury and the county treasurer shall make such
50 money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy
51 sheriff salary supplementation fund created under section 57.278.

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